## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a lot width of 50 feet in lieu of the required 55 feet in accordance with Petitioner's

The Petitioner, by Keith Randlett and Anthony J. Mierzwicki for the Emerald Development Corporation, Contract Purchaser, appeared, testified and was represented by Michael E. Marino, Esquire. Also appearing on behalf of the Petition was Leonard T. Bohager with McKee & Associates, and Anthony J. Mierzwicki. There were no Protestants.

Testimony indicated that the subject property, zoned D.R. 5.5, is known as 7414 Chesapeake Road and is currently unimproved. The contract purchaser proposes constructing a single family dwelling which will meet the side yard setback requirements of the zoning regulations; however, Stestimony indicated that the subject property is located in Oliver Beach, a subdivision consisting of mostly 50-foot wide lots. Mr. Bohager testified as to the requirements of Sections 307.1, 307.2 and 500.14 and submitted Petitioner's Exhibit 1 with an attachment which clearly indicates compliance with the zoning regulations and the Department Of Environmental Frotection and Resource Management requirements. In further support of his testimony and the proposed project, Mr. Bohager submitted Petitioner's Exhibit 3, a signed Petition which indicates support of the requested variance by nearby residents of the subject property.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_day of January, 1989, that the Petition for Zoning Variance to permit a lot width of 50 feet in lieu of the required 55 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, sub-

ject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated October 25, 1988, attached hereto and made a part hereof.

> Zoning Commissioner for Baltimore County

JRH:bjs

DESIGN 4:

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 ¥9,×¥¥XXX 887-3353 J. Robert Haines

January 4, 1989

Michael E. Marino, Esquire 10 E. Baltimore Street, Suite 1212 Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE N/S Chesapeake Road, 200' W of Greenbank Road (7414 Chesapeake Road) 15th Election District - 1st Councilmanic District Gertrude Wolfe - Petitioner Case No. 89-229-A

Dear Mr. Marino:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> Very truly yours, J. ROBERT HAINES

cc: People's Counsel

JRH:bjs

File

· Robert Haines Zoning Commissioner for Baltimore County

Dennis F. Rasmussen
Comy Executive

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines Zoning Commissioner

FROM: Mr. Robert W. Sheesley

DATE: October 25, 1988

SUBJECT: Wolfe Property - Item #100

Petition for Zoning Variance

ZONING OFFICE

Subject property is located at 7414 Chesapeake Road, Lot 127. Oliver Beach. The site is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

The applicant has filed a Petition for a Zoning Variance to permit the development of a 28' x 44' single family dwelling.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."
- <COMAR 14.15.10.01 0>

The proposed development will comply with Critical Area law provided that the zoning petition is conditioned with the following requirements:

1. One major deciduous tree or two conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 1,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.

Memo to Mr. J. Robert Haines October 25, 1988 Page 2

- 2. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
- 3. Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximimum infiltration (see attached dry well design).

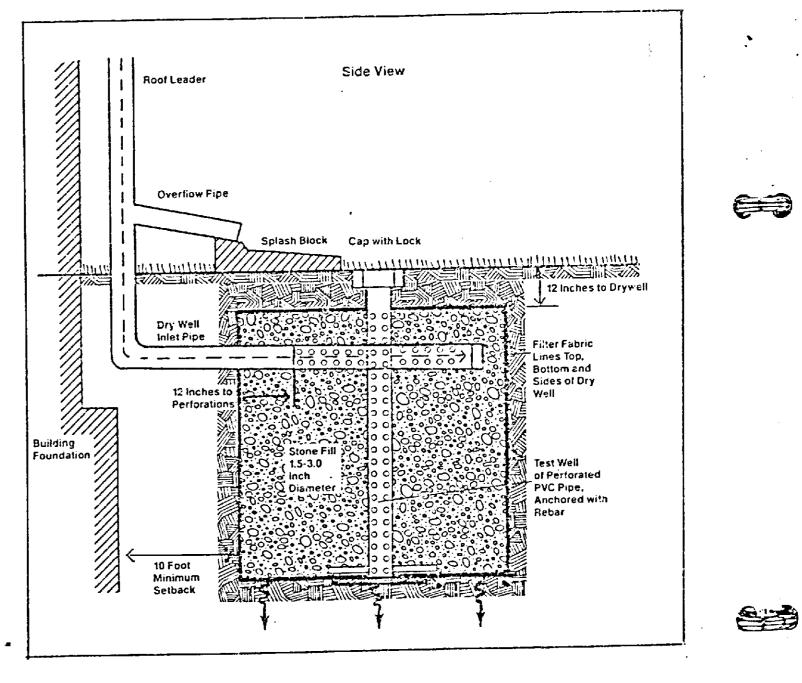
Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 494-3980 if you require additional information.

> Department of Environmental Protection and Resource Management

RWS:DCF:tjg Attachment

cc: The Honorable Ronald B. Hickernell

Dry Well Designs. (Figure 5.8). Dry wells are a basic trench variation which are designed exclusively to accept rooftop runoff from residential or commercial buildings (Figure 5.8). Additional guidance on dry well design is available from Md WRA (1984). Basically, the leader from the roof is extended into an underground trench, which is situated a minimum of ten feet away from the building foundation. Rooftop gutter screens are needed to trap any particles, leaves and other debris, and must be regularly cleared. Figure 5.8: Dry Well Design (adapted from Md WRA, 1989)



The undersigned, legal owner(s) of the property stude in Battimore County and which is described at the described and made a part hereo, hereby petition for a described in the described and made a part hereo, hereby petition for a described in the described and made a part hereo, hereby petition for a described in the described	PETITION FOR ZON	VING VARIANCE CRITICAL AREA E COUNTY: 89.229-A
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Live do solemely declare and after under the penalties of periparty, that I we are the legal owner(s) of the property which is the subject of this Petition.   Legal Owner(s) of the property which is the subject of this Petition.   Legal Owner(s):   Contract Purchaser:   Legal Owner(s):	Lor we agree to pay expenses of above Varia	d by the zoning regulations and restrictions of Law For Baltimore County.
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Type or Print Name)  Type or Print Name)  Tope or Print Name)  Address  Tope or Print Name)		2 = 1
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Address  Balling Cor, Marianna 2003  Signature  Address  Address  Address  Address  Name, address and phone number of legal owner, contract purchaser or representative to be contacted  Tory and State  Name  Address  ORDERED By The Zoning Commissioner of Baltimore County, this  ORDERED By The Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, in a two newspapers of general circulation throughout Baltimore County, in two newspapers of general circulation throughout Baltimore County, in two newspapers of general circulation throughout Baltimore County, in two newspapers of general circulation throughout Baltimore County, in two newspapers of general circulation throughout Baltimore County, in two newspapers of general circulation throughout Baltimore County, in two newspapers of general circulation throughout Baltimore County, in two newspapers of general circulation throughout Baltimore County, in two newspapers of general circulation throughout Baltimore County, in two newspapers of general circulation throughout Baltimore County, in two newspapers of general circulation throughout Baltimore County, in two newspapers of general circulation through County on the County in Room 106, County Office Building in Towson, Baltimore County, in two newspapers of general circulation through the county of the subject of the subject of general circulation through the county of the subject of general circulation through the subject of general circulation through the county of general circulation to county of general circul	Signature Jandett	x Blatande, Wolfe
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public hearing on the property	The Zoning Commissioner of Battmore County, by authority of the Zoning Act and Regulations	rowson, MD., November 28 19 58
conduction of the community of the conduction of	public hearing on the property	TO CEPTIFY, that the annexed advertisement was
enue in Towson, Maryland as to	the County Office Building, to- used at 111 W. Chesapeake Av- enue in Towson, Maryland as fol-	in THE JEFFERSONIAN, a weekly newspaper printed

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on november 24, 19.88.

PO 05904 10g M20450 case 89-229-A price \$43.13

Pettion for Zoning Variano Case number: 89-229-A NS Chesapeake Road, 20 W Greenbank (7414 Chesapeake Road, I

(7414 Chasapassis vival, 4127)
15th Election District
15th Councilmenic
Legal Owner(s):
Gertrude Wolfe
Contract Purchaser(s):
Emerald Development
Corporation
Heering Date: Thursday,
Dec. 15, 1988 at 9:00 a.m.

Variance: to allow a building lot with a width of 50 ft. In lieu of the required 55 ft.

"IF PHASE II OF THE SNOW EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CASE MAY BE RESCHEDULED. CALL."

"M-3391 TO CONFIRM DATE. In the event that this Petition is a control of the perit of the petition in the petition in the petition is a possible of the petition in the petition

to the event that this inversion is granted, a building permit may be seved within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the lequance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES

EMERALD DEVELOPMENT CORPORATION

16 OAKRIDGE COURT LUTHERVILLE, MARYLAND 21093 TELEPHONE (301) 296-5278

EXHIBIT 3

December 13, 1988

#100

We, the Undersigned, support the variance requested by Emerald Development Corporation for the property known as 7414 Chesapeake Road, Baltimore County, to allow them to build a single-family dwelling on that property.

Mame	Address
Clare Wallans	7412 Chesaprales Rdy
Jame- Adams	7412 Chesapeake Red.
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a muy? Taletino	13213 F Greenbert Net-
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Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines
Zoning Commissioner

Date: /2/8/88 Emerald Development Corporation 16 Oakridge Court Baltimore, Maryland 21093

Re: Petition for Zoning Variance CASE NUMBER: 89-229-A NS Chesapeake Road, 200' W Greenbank

(7414 Chesapeake Road, Lot ∦127) 15th Election District - 5th Councilmanic Legal Owner(s): Gertrude Wolfe

Contract Purchaser(s): Emerald Development Corporation HEARING SCHEDULED: THURSDAY, DECEMBER 15, 1988 at 9:00 a.m.\*

Gentlemen:

Please be advised that 75.36 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

	The second second	059693 No.	
	BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION	No.	d post set(s), r each set not
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	B 8 (1 5 * * * * * *	7538:9-1229-A	
1	VALIDATION OF SIGNA	TURE OF CASHIER	4

This site will comply with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands:
- 2. Conserve fish, wildlife, and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

Specific conditions of compliance will include:

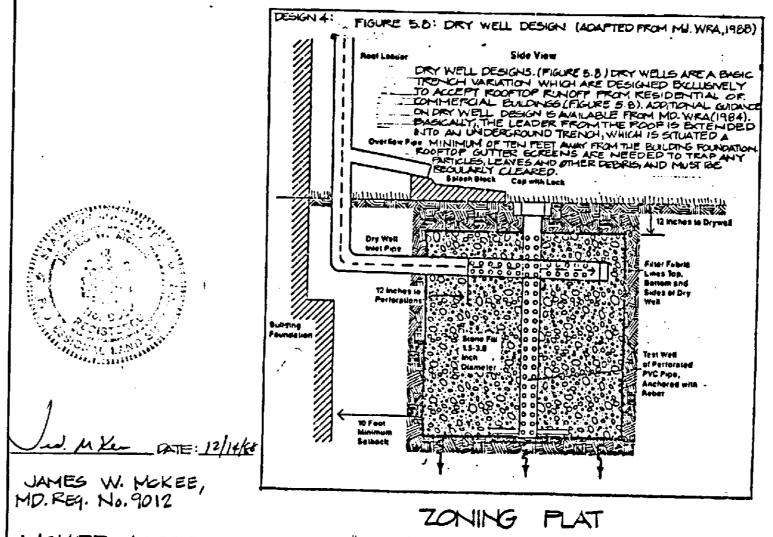
1. One major deciduous tree or two conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 1,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity. This site contains the following existing trees:

> 4 Major Deciduous 3 Minor Deciduous 4 Major Conifers

6 Minor Conifers

NO TREES SHALL BE REMOVED FOR HOUSE CONSTRUCTION

- 2. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
- 3. Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).



MCKEE & ASSOC, INC.

CIVIL ENGINEERS LANDEURVEICRS SHAWAN PLACE . 5 SHAWAN ROAD HUNT VALLEY, MD. 21020 301-527-1555

\*7414 CHESAPEAKE KD.

BALTO. CO.MD. PATE: DEC. 9,1903 "OLVER , BEACH" 12/56 SHEET 2 OF 2

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494 (353

J. Robert Haines

Dennis F. Rasmussen
County Executive

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-229-A NS Chesapeake Road, 200' W Greenbank (7414 Chesapeake Road, Lot #127) 15th Election District - 5th Councilmanic Legal Owner(s): Gertrude Wolfe Contract Purchaser(s): Emerald Development Corporation HEARING SCHEDULED: THURSDAY, DECEMBER 15, 1988 at 9:00 a.m.\*

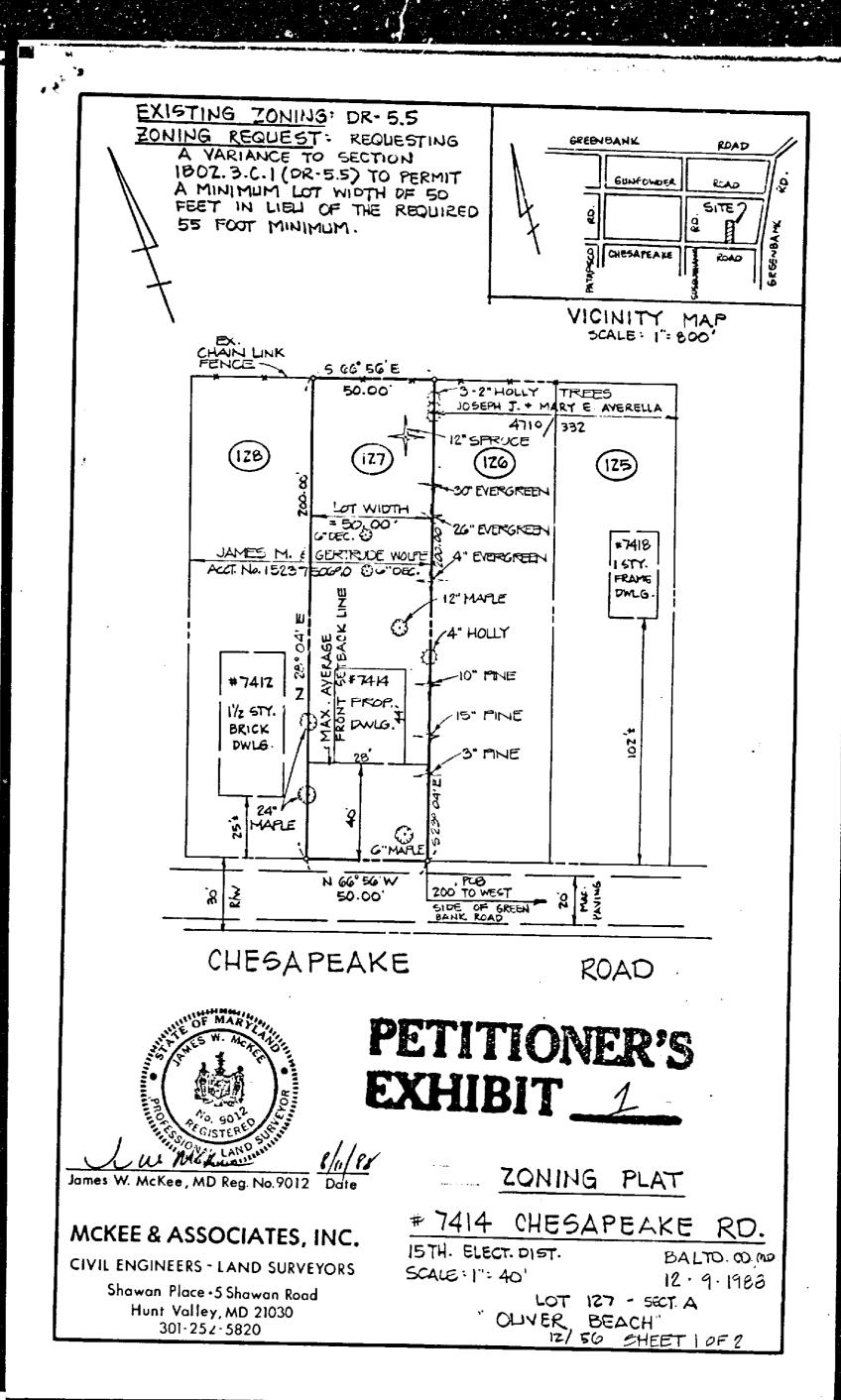
Variance to allow a building lot with a width of 50 ft. in lieu of the requried 55 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Polit House J. ROBERT HAINES Zoning Commissioner of

Baltimore County cc: Emerald Development Corp. File

IF PHASE II OF THE SNOW EMER-GENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 8:30 a.m. ON THE DATE OF THE ABOVE HEAR-ING, SUCH HEARING WILL BE POST-PONED AND TENTATIVELY RESCHEDUL-ED FOR THURSDAY, JANUARY 12, 15J9. PLEASE TELEPHONE DOCKET CLERK AT 494-3391 or 887-3391 TO CONFIRM DATE.



MCKEE & ASSOCIATES, INC. Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030 Telephone: (301) 252-5820

August 11, 1988

DESCRIPTION OF 7414 CHESAPEAKE ROAD 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point on the north side of Chesapeake Road, 200 feet west of the west side of Greenbank Road. Being Lot 127 of the plat of Sections A and B, Oliver Beach, as recorded among the land records of Baltimore County in Plat Book 12, page 56



RE: PETITION FOR VARIANCE N/S Chesapeake Rd., 200' W. Greenbank Rd. (7414 Chesapeake : Pd., Lot #127) 15th Election District 5th Councilmanic District GERTRUDE WOLFE, Petitioner

final Order.

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

## :::::: ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or

Phyllis Cole Friedman People's Counsel for Baltimore County

> Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building Towson, Maryland 21204

I HEREBY CERTIFY that on this 28th day of November, 1988, a copy of the foregoing Entry of Appearance was mailed to Mrs. Gertrude Wolfe, 7412 Chesapeake Rd., Baltimore, MD 21220, Petitioner; and Mr. Keith Andrew Randlett, Emerald Development Corporation, 16 Oakridge Ct., Baltimore, MD 21093, Contract Purchaser.

> Max Zumeina Peter Max Zimmerman

> > December 6, 1988

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Date of Posting 12/2/88 VOYLONCO Petitioner: Gertrude Wolfe - Emorald Devalupment Corp Location of property. N/S Chesapoeta Rd., 200' W/files bask
THIN chasper tard forth 177
Location of Signer Facing Chasefoote Rd. opposer. 15' Fr. wood way

89-229-A

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this day of October , 1988.

Petitioner Gertrude Wolfe Petitioner's Attorney

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

J. Robert Haines

Date December 6, 1988

FROM Office of Planning and Zoning

SUBJECT Zoning Petition No. 89-229-A

Courts Building, Suite 405 Towson, Maryland 21204

Mr. J. Robert Haines Zoning Commissioner Towson, MD 21204

RECEIVED ZØNING OFFICE

The Bureau of Traffic Engineering has no comments for items number 55, 93, 94, 95, 96, 98, 99, (00) & 101.

INTER-OFFICE CORRESPONDENCE

TO Zoning Commissioner Pat Keller, Deputy Director

Emerald Development Corp.

In order to avoid any future variances for the development of this site due to unsuitable building styles being constructed on the lot. The applicant should place all building restriction lines (front 40', rear, and side yards 10') on the site plan and clearly state on the plan that all structures must stay within the setbacks as shown in order to avoid future variances.

PK/sf

Baltimore County Department of Public Works Bureau of Traffic Engineering 494-3554

October 11, 1988

County Office Building

Dear Mr. Haines:

Very truly yours, Michael S. Flanigan Traffic Engineer Associate II

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke Chief September 28, 1988 J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204 Re: Property Owner: Legal Owner - Gertrude Wolfe (critical) Contract purchaser - Emerald Development Corp. Location: N/S Chesapeake Rd., 200' W. of Greenbank 7414 Chesapeake Road, lot 127 Item No.: 100 Zoning Agenda: Meeting of 9/20/88 Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. ( ) 2. A second means of vehicle access is required for the site. ( ) 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department. 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. (x ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy. ( ) 6. Site plans are approved, as drawn. ( ) 7. The Fire Prevention Bureau has no comments at this time. REVIEWER: Approved: Approved: Approved: Special Inspection Division — ROAD —---8888 5 3 % N 2307 2 0 0 N 270'S 5 % 6 N 290'F \$ 57 \$ Jior 3 40 4 730 7 

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

RE: Item No. 100 Case No. #89-229-A

Petitioner: Gertrude Wolfe

Petition for Zoning Variance

The Zoning Plans Advisory Committee has reviewed the plans

submitted with the above referenced petition. The following

comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are

made aware of plans or problems with regard to the development

plans that may have a bearing on this case. Director of

Planning may file a written report with the Zoning Commissioner

with recommendations as to the suitability of the requested

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any

comment that is not informative will be placed in the hearing

file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled

Very truly yours,

Zoning Plans Advisory Committee

Chairman

Emerald Development Corporation

16 Oakridge Court

Baltimore, MD 21093

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

MEMBERS Bureau of Engineering Department of Traffic Engineering State Roads Commission Bureau of Fire Prevention Pealth Department Project Planning

Building Department Zoning Administratio

Board of Education Industrial Development

JED:scj

Enclosures

accordingly.

MSF:lab